

## ALMOS W. GLASGOW

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MAY 14, 1942.—Ordered to be printed

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Mr. CAPPER, from the Committee on Claims, submitted the following

## REPORT

[To accompany S. 2432]

The Committee on Claims, to whom was referred the bill (S. 2432) for the relief of Almos W. Glasgow, having considered the same, report favorably thereon with the recommendation that the bill do pass with the following amendment:

On page 1, line 6, strike out the figures "\$5,000" and insert "\$2,300".

The bill, as amended, provides for the payment of \$2,300 to Almos W. Glasgow, of Boise, Idaho, in full satisfaction of his claims against the United States for compensation for personal injuries sustained by him when the car in which he was riding was struck by a United States Army truck in Boise, Idaho, on August 21, 1941.

The records of the War Department show that on August 21, 1941, at about 7:20 a. m., an Army truck, on official business, operated by an enlisted man, was proceeding north on North Second Street in Boise, Idaho, at a speed of about 35 miles per hour and approaching the intersection of North Second and Fort Streets. The weather was fair and the streets were hard-surfaced and dry. There were neither "Stop" signs nor traffic lights at the intersection. At the same time a Plymouth sedan, owned and operated by Otto E. Eggy, with Almos W. Glasgow as passenger, was proceeding east on Fort Street at a speed of about 15 miles per hour and approaching the same intersection. The two vehicles collided in the intersection, the Army truck striking the Plymouth sedan on the right-hand side and directly behind the front wheel. As a result of the accident, the civilian vehicle was extensively damaged; Mr. Eggy suffered fractures of the fifth cervical vertebra and the eighth right rib, lacerations, and contusions; and Mr. Glasgow suffered a transverse fracture of the middle third of the left femur, in addition to contusions of the arms and legs. In the opinion of the doctors who examined him, it would be necessary for Mr. Glasgow to remain in the Veterans' Hospital until approxi-

mately February 1, 1942, and also it would be from 9 months to 1 year from date of injury before Mr. Glasgow would be able to do manual labor or perform the type of work he had been doing prior to the accident.

A board of officers convened to investigate the claim of Mr. Glasgow found that the accident was not due wholly or in part to fault or negligence of the claimant, but rather to fault or negligence on the part of the Government driver. The board was of the opinion that \$2,400 was a fair estimate of the claimant's earning capacity for the year during which, it was assumed, he would be disabled, and recommended that since the claimant was receiving compensation at the rate of \$50 per month, or a total of \$600 a year, this latter amount be deducted from the \$2,400, leaving \$1,800 as the award recommended for loss of wages. The board also recommended an award of \$500 for pain and suffering, which, added to the amount of \$1,800, would make a total award of \$2,300, and this amount Mr. Glasgow, under date of October 27, 1941, agreed to accept.

Admitting negligence on the part of the Government driver, the Secretary of War recommends the approval of the bill in the amount of \$2,300 as suggested by the board of officers. In this recommendation your committee concur.

The letter of the Secretary of War is appended hereto and made a part of this report.

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WAR DEPARTMENT,  
Washington, April 24, 1942.

HON. PRENTISS M. BROWN,  
*Chairman, Committee on Claims,  
United States Senate.*

DEAR SENATOR BROWN: The War Department will interpose no objection to the enactment of S. 2432, Seventy-seventh Congress, second session, a bill which would compensate Almos W. Glasgow, of Boise, Idaho, in full satisfaction of his claims against the United States for personal injuries sustained by him when the car in which he was riding was struck by a United States Army truck in Boise, Idaho, on August 21, 1941.

On August 21, 1941, at about 7:20 a. m., an Army truck, on official business, operated by an enlisted man, was proceeding north on North Second Street in Boise, Idaho, at a speed of about 35 miles per hour and approaching the intersection of North Second and Fort Streets. The weather was fair and the streets were hard-surfaced and dry. There were neither "Stop" signs nor traffic lights at the intersection. At the same time a Plymouth sedan, owned and operated by Otto E. Eggy, of 1207 North Ninth Street, Boise, with Almos W. Glasgow, of 504 Pueblo Street, Boise, as passenger, was proceeding east on Fort Street at a speed of about 15 miles per hour and approaching the same intersection. The two vehicles collided in the intersection, the Army truck striking the Plymouth sedan on the right-hand side and directly behind the front wheel.

As a result of the accident, the civilian vehicle was extensively damaged; Mr. Eggy suffered fractures of the fifth cervical vertebra and the eighth right rib lacerations, and contusions; and Mr. Glasgow suffered injuries with respect to which Drs. R. W. Cahill and Isaac A. Dix testified at the Veterans' Hospital, Boise, Idaho, on October 25, 1941, substantially as follows:

"That Mr. Almos W. Glasgow, injured in an automobile accident which occurred on August 21, 1941, Boise, Idaho, sustained a transverse fracture of the middle third of the left femur in addition to contusions of the arms and legs. In the opinion of the above-named doctors, it would be necessary for Mr. Glasgow to remain in the Veterans' Hospital until approximately February 1, 1942. That, also, it would be from 9 months to 1 year from date of injury before Mr. Glasgow would be able to do manual labor or perform the type of work he had been doing prior to the accident."

Although the testimony of the various witnesses to the accident is conflicting as to which of the two vehicles was the first to enter the intersection, thereby establishing for itself the right-of-way, the location of the principal damage to the Plymouth sedan and the testimony of a Boise City police officer who investigated the accident, tend to indicate that the Plymouth entered the intersection first.

A claim was filed with the War Department by Mr. Glasgow in the amount of \$3,000 (\$2,500 for loss of wages and \$500 for personal injuries). In support of his claim, Mr. Glasgow stated that had he not been injured he would have been employed in a secure position for a year or two at least and earning \$50.56 net each week. Assuming that he would be unable to work for at least 52 weeks from the date of his injury, he estimated that he would have lost about \$2,500 in wages. He further stated that he considered \$500 a reasonable compensation for the pain and suffering to which he was subjected. It appears, however, that Mr. Glasgow was receiving, and would continue to receive so long as disabled, hospitalization and \$50 a month compensation.

A board of officers convened to investigate the claim of Mr. Glasgow found that the accident was not due wholly or in part to fault or negligence of the claimant, but rather to fault or negligence on the part of the Government driver. The board was, however, of the opinion that \$2,400 was a fair estimate of the claimant's earning capacity for the year during which, it was assumed, he would be disabled, and recommended that since the claimant was receiving compensation at the rate of \$50 a month, or a total of \$600 a year, this latter amount be deducted from the \$2,400, leaving \$1,800 as the award recommended for loss of wages. The board recommended an award of \$500 for pain and suffering, which, added to the amount of \$1,800, would make a total award of \$2,300, and this amount Mr. Glasgow, under date of October 27, 1941, agreed to accept.

Upon review in the War Department, the claim of Mr. Glasgow was necessarily disapproved, since there is no provision of law or appropriation available to the Department for the settlement of claims for personal injuries or expenses incident thereto arising out of the activities of the Army involving motor vehicles.

A claim was also filed with the War Department by Mr. Eggy, owner and driver of the civilian vehicle, in the amounts of \$500 for personal injury, and \$494 for property damage. Upon review in the War Department, Mr. Eggy's claim for property damage was approved in the amount of \$494 for settlement under the provisions of the act of December 28, 1922 (42 Stat. 1066), it being the view of the Department that the proximate cause of the accident was negligence on the part of the Government driver in that he was approaching the intersection at too great a speed and therefore failed to stop his vehicle and yield to the claimant the right-of-way to which he was entitled by reason of having entered the intersection first. Mr. Eggy's claim for personal injury was necessarily disapproved because of the absence of any law or appropriation under which it might be settled.

Mr. Glasgow states that he has dependent upon him his wife and two minor children, one of whom, a daughter 18 years of age, has now secured employment. Since it appears that the injuries suffered by Mr. Glasgow were incurred through no fault or negligence on his part but rather through negligence on the part of the Government driver, the Department, while not prepared to pass upon the amount that should be allowed him under the circumstances, will interpose no objection to the enactment of legislation compensating him in such amount as the Congress in its discretion may deem proper. It is recommended, however, that any award granted him be not in excess of the amount of \$2,300 suggested by the board of officers.

Sincerely yours,

HENRY L. STIMSON, *Secretary of War.*

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